



Practitioner's Docket No. MPI00-438P1RM

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kapeller-Libermann, Rosana
Application No.: 10/044,205 Group No.: 1642
Filed: October 22, 2001 Examiner: Yu, Misook
For: 69087, 15821, AND 15418, METHODS AND COMPOSITIONS OF HUMAN
PROTEINS AND USES THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement (including a species election requirement) dated June 2, 2004, Applicants hereby elect Group I, drawn to SEQ ID NO:1, 3 and nucleic acids encoding SEQ ID NO:2 and variants thereof, vectors, probes, and methods of producing SEQ ID NO:2 protein and variants thereof (claims 1-7, 12 and 18), without prejudice to Applicants' right to pursue the non-elected subject matter in other applications.

Applicants hereby reserve the right to traverse the above restriction with respect to non-elected Groups II-XVI in this or subsequent applications.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

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Date: July 2, 2004

Sean Hunziker
(type or print name of person certifying)

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In order to be fully responsive, Applicants further elect SEQ ID NO:3, without prejudice to Applicants' right to pursue the non-elected subject matter in the event a generic claim is not found allowable.

Applicants submit herewith a Preliminary Amendment canceling claims 1-23, 39, 42, 45, 47, 65, 71 and 74 and adding new claims 76-82. New claims 76-82 are directed to the subject matter of Group I and are therefore included in Applicants' election. Entry of the Preliminary Amendment prior to examination on the merits is respectfully requested.

This paper is being filed timely and no extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

July 2, 2004

Respectfully submitted,

MILLENNIUM PHARMACEUTICALS, INC.

By


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